

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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DAVID McCULLOUGH,

Petitioner,

-v-

9:11-CV-1112

NYS DIVISION OF PAROLE,

Respondent.

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APPEARANCES:

DAVID McCULLOUGH  
Petitioner Pro Se  
2500 South Salina St  
Syracuse, NY 13205

HON. ERIC T. SCHNEIDERMAN  
Attorney General for the State of New York  
Attorney for Defendants  
Litigation Bureau  
The Capitol  
Albany, NY 12224

DAVID N. HURD  
United States District Judge

OF COUNSEL:

THOMAS B. LITSKY, ESQ.  
Ass't Attorney General

**DECISION and ORDER**

Pro se petitioner David McCullough brought this petition for habeas relief pursuant to 28 U.S.C. § 2254. On March 23, 2015, the Honorable David E. Peebles, United States Magistrate Judge, advised, by Report-Recommendation, that the petition be dismissed and no certificate of appealability be issued. No objections to the Report-Recommendation were filed.

Based upon a careful review of entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

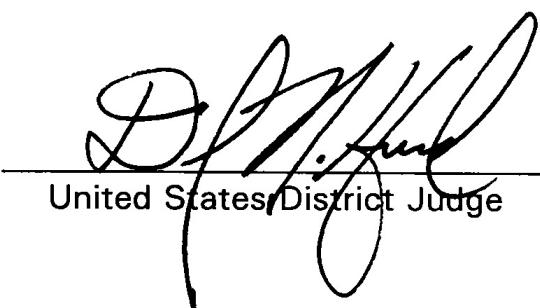
Therefore, it is

ORDERED that

1. The petition for a writ of habeas corpus is DENIED and DISMISSED;
2. Because petitioner has not made a substantial showing of the denial of any constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253; and
3. The Clerk serve a copy of this Decision and Order on the parties in accordance with the Local Rules, enter judgment accordingly, and close the file.

IT IS SO ORDERED.

Dated: April 15, 2015  
Utica, New York.



United States District Judge